

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE OHIO SECURITY INSURANCE
COMPANY,

Plaintiff,

24-cv-00149 (PKC)

-against-

ORDER

KINSALE INSURANCE COMPANY and
BLACK BULL BUILDERS, LLC,

Defendants.

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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte. The Complaint invokes subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. (Complaint, ECF 1, ¶ 13). “It is firmly established that diversity of citizenship should be distinctly and positively averred in the pleadings, or should appear with equal distinctness in other parts of the record.” Leveraged Leasing Administration Corp. v. PacifiCorp Capital, Inc., 87 F.3d 44, 47 (2d Cir. 1996) (internal quotations omitted).

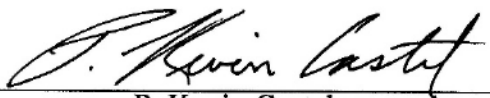
The Complaint alleges that defendant Black Bull Builders, LLC “is an entity incorporated under the laws of the State of New York, and maintains its principal office at 580 8th Avenue, New York, New York.” (Id. ¶ 11). The name of this defendant indicates that it is a limited liability company. “A limited liability company [] takes the citizenship of each of its members.” Bayerische Landesbank, New York Branch v. Alladin Capital Management LLC, 692 F.3d 42, 49 (2d Cir. 2012).

In order for the Court to evaluate whether complete diversity exists between the plaintiff and the defendants, the complaint must allege the citizenship of each of the members of Black Bull Builders, LLC. If a member is an individual, the plaintiff must plead the individual's state of domicile; if a member is a corporation, the plaintiff must plead the corporation's state of incorporation and principal place of business, and if the member is a limited liability company, the plaintiff must then plead the citizenship of its members.

Additionally, the plaintiff indicates that “[u]pon information and belief, Ohio Security is a corporation organized and existing under the laws of the State of New Hampshire with its place of business located at 175 Berkley Street, Boston, Massachusetts.” The plaintiff should not allege its own citizenship “upon information and belief.” Further, the plaintiff must allege its *principal* place of business, not merely its “place of business.”

Within seven days of this Order, the plaintiff may serve upon Black Bull Builders, LLC an interrogatory limited to the citizenship of its members. Within fourteen days of this Order, the plaintiff shall file an Amended Complaint that properly alleges the citizenship of all parties, or the action will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
January 10, 2024